

ARTICLE 47. WEAPONS AND INSTRUMENTS OF VIOLENCE

Chapter 1. Definitions

| | |
|-------------|---------------------------------------|
| 35-47-1-1 | Application of definitions in chapter |
| 35-47-1-2 | "Alcohol abuser" |
| 35-47-1-3 | "Dealer" |
| 35-47-1-4 | "Drug abuser" |
| 35-47-1-5 | "Firearm" |
| 35-47-1-5.5 | "Gun show" |
| 35-47-1-6 | "Handgun" |
| 35-47-1-7 | "Proper person" |
| 35-47-1-8 | "Proper reason" |
| 35-47-1-9 | "Retail" |
| 35-47-1-10 | "Sawed-off shotgun" |
| 35-47-1-11 | "Shotgun" |
| 35-47-1-12 | "Superintendent" |
| 35-47-1-13 | "Wholesale" |

IC 35-47-1-1 Application of definitions in chapter

Sec. 1. The definitions in this chapter apply throughout this article.
[As added by P.L.311-1983, SEC.32.]

IC 35-47-1-2 Alcohol abuser

Sec. 2. "Alcohol abuser" means an individual who has had two (2) or more alcohol related offenses, any one (1) of which resulted in conviction by a court or treatment in an alcohol abuse facility within three (3) years prior to the date of the application.
[As added by P.L.311-1983, SEC.32.]

IC 35-47-1-3 Dealer

Sec. 3. "Dealer" means any person who holds himself out as a buyer and seller of handguns on a regular and continuing basis.
[As added by P.L.311-1983, SEC.32.]

IC 35-47-1-4 Drug abuser

Sec. 4. "Drug abuser" means an individual who has had two (2) or more violations of IC 35-48-1, IC 35-48-2, IC 35-48-3, or IC 35-48-4, any one (1) of which resulted in conviction by a court or treatment in a drug abuse facility within five (5) years prior to the date of application.
[As added by P.L.311-1983, SEC.32.]

IC 35-47-1-5 Firearm

Sec. 5. "Firearm" means any weapon that is capable of or designed to or that may readily be converted to expel a projectile by means of an explosion.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-1-5.5 Gun show

Sec. 5.5. "Gun show" has the meaning set forth in 27 C.F.R. 178.100.

[As added by P.L.148-1987, SEC.2.]

IC 35-47-1-6 Handgun

Sec. 6. "Handgun" means any firearm:

(1) designed or adapted so as to be aimed and fired from one (1) hand, regardless of barrel length; or

(2) any firearm with:

(A) a barrel less than sixteen (16) inches in length; or

(B) an overall length of less than twenty-six (26) inches.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-1-7 Proper person

Sec. 7. "Proper person" means a person who does not:

(1) have a conviction for resisting law enforcement under

IC 35-44-3-3 within five (5) years before the person applies for a license or permit under this chapter;

(2) have a conviction for a crime for which he could have been sentenced for more than one (1) year;

(3) have a record of being an alcohol or drug abuser as defined in this chapter;

(4) have documented evidence which would give rise to a reasonable belief that he has a propensity for violent or emotionally unstable conduct;

(5) make a false statement of material fact on his application;

(6) have a conviction for any crime involving an inability to safely handle a handgun;

(7) have a conviction for violation of the provisions of this article within five (5) years of his application; or

(8) have an adjudication as a delinquent child for an act that

would be a felony if committed by an adult, if the person applying for a license or permit under this chapter is less than twenty-three (23) years of age.

[As added by P.L.311-1983, SEC.32. Amended by P.L.191-1984, SEC.1; P.L.148-1987, SEC.3; P.L.269-1995, SEC.5.]

IC 35-47-1-8 Proper reason

Sec. 8. "Proper reason" means for the defense of oneself or the state of Indiana.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-1-9 Retail

Sec. 9. "Retail" means the sale of handguns singly or in small quantities to one who intends to be the ultimate user thereof.
[As added by P.L.311-1983, SEC.32.]

IC 35-47-1-10 Sawed-off shotgun

Sec. 10. "Sawed-off shotgun" means:
(1) a shotgun having one (1) or more barrels less than eighteen (18) inches in length; and
(2) any weapon made from a shotgun (whether by alteration, modification, or otherwise) if the weapon as modified has an overall length of less than twenty-six (26) inches.
[As added by P.L.311-1983, SEC.32.]

IC 35-47-1-11 Shotgun

Sec. 11. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.
[As added by P.L.311-1983, SEC.32.]

IC 35-47-1-12 Superintendent

Sec. 12. "Superintendent" refers to the superintendent of the Indiana state police department.
[As added by P.L.311-1983, SEC.32.]

IC 35-47-1-13 Wholesale

Sec. 13. "Wholesale" means the sale of handguns singly or in bulk lots to one lawfully licensed to deal in handguns, or the sale of a handgun to a governmental law enforcement agency for issue to its employees.
[As added by P.L.311-1983, SEC.32.]

Chapter 2. Regulation of Handguns

| | |
|------------|---|
| 35-47-2-1 | Carrying a handgun without a license or by person convicted of domestic battery |
| 35-47-2-2 | Excepted persons |
| 35-47-2-3 | Application for license to carry handgun; procedure |
| 35-47-2-4 | Qualified or unlimited licenses to carry |
| 35-47-2-5 | Suspension or revocation of license; failure to return license; rules concerning procedure for suspending or revoking license |
| 35-47-2-6 | Granting or rejecting initial application; renewals |
| 35-47-2-7 | Prohibited sales or transfers of ownership |
| 35-47-2-8 | Regulation of sale of handguns imposed by this chapter |
| 35-47-2-14 | Necessity of retail handgun dealer's license; display |

| | |
|------------|---|
| 35-47-2-15 | Retail handgun dealer's license; application procedure |
| 35-47-2-16 | Retail handgun dealer's license; restrictions; display; prohibited sales; gun show |
| 35-47-2-17 | Giving false information or offering false evidence of identity; violation of section |
| 35-47-2-18 | Obliterating identification marks on handguns or possession of such handguns prohibited |
| 35-47-2-19 | Application of chapter |
| 35-47-2-20 | Removal of disability under this chapter |
| 35-47-2-21 | Recognition of retail dealer's licenses and licenses to carry handguns issued by other states |
| 35-47-2-22 | Use of unlawful handgun-carrying license to obtain handgun prohibited |
| 35-47-2-23 | Violations; classes of misdemeanors and felonies |
| 35-47-2-24 | Indictment or information; defendant's burden to prove exemption or license; arrest, effect of production of valid license, or establishment of exemption |

IC 35-47-2-1 Carrying a handgun without a license or by person convicted of domestic battery

. Sec. 1. (a) Except as provided in subsection (b) and section 2 of this chapter, a person shall not carry a handgun in any vehicle or on or about the person's body, except in the person's dwelling, on the person's property or fixed place of business, without a license issued under this chapter being in the person's possession.

(b) Unless the person's right to possess a firearm has been restored under IC 3-7-13-5 or IC 33-4-5-7, a person who has been convicted of domestic battery under IC 35-42-2-1.3 may not possess or carry a handgun in any vehicle or on or about the person's body in the person's dwelling or on the person's property or fixed place of business.

As added by P.L.311-1983, SEC.32. Amended by P.L.326-1987, SEC.1; P.L.195-2003, SEC.6

IC 35-47-2-2 Excepted persons

Sec. 2. Section 1 of this chapter does not apply to

- (1) marshals;
- (2) sheriffs;
- (3) the commissioner of the department of correction or persons authorized by him in writing to carry firearms;
- (4) judicial officers;
- (5) law enforcement officers;
- (6) members of the armed forces of the United States or of the national guard or organized reserves while they are on duty;
- (7) regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state who are at or are going to or from their place of assembly or target practice;
- (8) employees of the United States duly authorized to carry handguns;
- (9) employees of express companies when engaged in company business;
- (10) any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using, or carrying a handgun in the usual or ordinary course of that business; or
- (11) any person while carrying a handgun unloaded and in a secure wrapper from the place of purchase to his dwelling or fixed place of business, or to a place of repair or back to his dwelling or fixed place of business, or in moving from one dwelling or business to another.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-2-3 Application for license to carry handgun; procedure

Sec. 3. (a) A person desiring a license to carry a handgun shall apply:

- (1) to the chief of police or corresponding law enforcement officer of the municipality in which the applicant resides;
- (2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which the applicant resides after the applicant has obtained an application form prescribed by the superintendent; or
- (3) if the applicant is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which the applicant has a regular place of business or employment.

(b) The law enforcement agency which accepts an application for a handgun license shall collect a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued. Except as provided in subsection (h), the fee shall be:

(1) deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund; and

(2) used by the agency for the purpose of:

(A) training law enforcement officers in the proper use of firearms or other law enforcement duties; or

(B) purchasing for the law enforcement officers employed by the law enforcement agency firearms, or firearm related equipment, or both.

The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with his recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant has a proper reason for carrying a handgun and is of good character and reputation and a proper person to be so licensed, the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years. This license shall be

valid for a period of four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

(1) neither opposes nor supports an individual's right to bear arms; and

(2) is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent. The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

(1) has been convicted of a felony;

(2) is under eighteen (18) years of age;

(3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or

(4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

(1) changes the person's name; or

(2) changes the person's address;

the person shall, not later than sixty (60) days after the date of the change, notify the superintendent, in writing, of the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

[As added by P.L.311-1983, SEC.32. Amended by P.L.26-1990, SEC.15; P.L.48-1993, SEC.5; P.L.140-1994, SEC.6; P.L.269-1995, SEC.6; P.L.2-1996, SEC.284; P.L.27-2001, SEC.1; P.L.120-2001, SEC.1.]

Note: *Handgun permit suspensions, revocations and appeals are governed by Indiana Code 4-21.5-3-1 et seq.*

IC 35-47-2-4 Qualified or unlimited licenses to carry handguns; fees; exemptions from payment of fees

Sec. 4. (a) Licenses to carry handguns shall be either qualified or unlimited. A qualified license shall be issued for hunting and target practice. The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a licensee as a condition of employment. Unlimited licenses shall be issued for the purpose of the protection of life and property.

(b) In addition to the application fee, the fee for a qualified license shall be five dollars (\$5), and the fee for an unlimited license shall be fifteen dollars (\$15). The superintendent shall charge a five dollar (\$5) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited by the superintendent with the treasurer of state

(c) Licensed dealers are exempt from the payment of fees specified in subsection (b) for a qualified license or an unlimited license.

(d) The following officers of this state or the United States who have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of fees specified in subsection (b):

- (1) Police officers.
- (2) Sheriffs or their deputies.
- (3) Law enforcement officers.
- (4) Correctional officers.

[As added by P.L.311-1983, SEC.32. Amended by P.L.209-1986, SEC.1; P.L.148-1987, SEC.4; P.L.75-1989, SEC.9.]

IC 35-47-2-5 Suspension or revocation of license; failure to return license; rules concerning procedure for suspending or revoking license

Sec. 5. (a) The superintendent may suspend or revoke any license issued under this chapter if he has reasonable grounds to believe that the person's license should be suspended or revoked.

(b) Documented evidence that a person is not a "proper person" to be licensed as defined by IC 35-47-1-7, or is prohibited under section 3(g)(4) of this chapter from being issued a license, shall be grounds for immediate suspension or revocation of a license previously issued under this chapter. However, if a license is suspended or revoked based solely on an arrest under section 3(g)(4) of this chapter, the license shall be reinstated upon the acquittal of the defendant in that case or upon the dismissal of the charges for the specific offense.

(c) A person who fails to promptly return his license after written notice of suspension or revocation commits a Class A misdemeanor. The observation of a handgun license in the possession of a person whose license has been suspended or revoked constitutes a sufficient basis for the arrest of that person for violation of this subsection.

(d) The superintendent shall establish rules under IC 4-22-2 concerning the procedure for suspending or revoking a person's license. *[As added by P.L.311-1983, SEC.32. Amended by P.L.140-1994, SEC.7; P.L.2-1996, SEC.285; P.L.120-2001, SEC.2.]*

IC 35-47-2-6 Granting or rejecting initial application; renewals

Sec. 6. Every initial application for any license under this chapter shall be granted or rejected within sixty (60) days after the application is filed. If the application for renewal of an existing

license is filed within thirty (30) days of its expiration, the existing license is automatically extended until the application for renewal is passed upon.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-2-7 Prohibited sales or transfers of ownership

Sec. 7. (a) Except an individual acting within a parent-minor child or guardian-minor protected person relationship or any other individual who is also acting in compliance with IC 35-47-10, a person may not sell, give, or in any other manner transfer the ownership or possession of a handgun or assault weapon (as defined in IC 35-50-2-11) to any person under eighteen (18) years of age.

(b) It is unlawful for a person to sell, give, or in any manner transfer the ownership or possession of a handgun to another person who the person has reasonable cause to believe:

(1) has been:

(A) convicted of a felony; or

(B) adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person seeking to obtain ownership or possession of the handgun is less than twenty-three (23) years of age;

(2) is a drug abuser;

(3) is an alcohol abuser; or

(4) is mentally incompetent.

[As added by P.L.311-1983, SEC.32. Amended by P.L.33-1989, SEC.126; P.L.140-1994, SEC.8; P.L.269-1995, SEC.7.]

IC 35-47-2-8 Regulation of sale of handguns imposed by this chapter; application

Sec. 8. The regulation of the sale of handguns imposed by this chapter shall apply equally to an occasional sale, trade, or transfer between individual persons and to retail transactions between dealers and individual persons.

[As added by P.L.311-1983, SEC.32. Amended by P.L.17-1997, SEC.6.]

IC 35-47-2-14 Necessity of retail handgun dealer's license; display

Sec. 14. A retail dealer who:

(1) sells;

(2) trades;

(3) transfers;

(4) exposes for sale, trade, or transfer; or

(5) possesses with intent to sell, trade, or transfer;

any handgun without being licensed under sections 15 and 16 of this chapter and without displaying his license at all times commits a Class B misdemeanor.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-2-15 Retail handgun dealer's license; application procedure

Sec. 15. (a) A person desiring a retail handgun dealer's license shall apply to the sheriff of the county in which he resides, or if he is a resident of another state and has a regular place of business in Indiana, then to the sheriff of the county in which he has a regular place of business.

The applicant shall state his name, full address, occupation, sex, race, age, place of birth, date of birth, nationality, height, weight, build, color of eyes, color of hair, complexion, scars and marks, and any criminal record (minor traffic offenses excepted). The officer to whom the application is made shall verify the application and search his records concerning the applicant's character and reputation.

(b) The officer to whom the application is made shall send to the superintendent:

- (1) the verified application;
- (2) the results of the officer's investigation; and
- (3) the officer's recommendation for approval or disapproval of the application;

in as many copies as the superintendent shall designate, and one (1) set of legible and classifiable fingerprints of the applicant. The superintendent may make whatever further investigation he deems necessary. Whenever disapproval is recommended by the officer to whom the application was made, he shall provide the superintendent and the applicant with his complete reasons for the disapproval in writing. If the officer to whom the application is made recommends approval, he shall instruct the applicant in the proper method of taking legible and classifiable fingerprints. If it appears to the superintendent that the applicant is of good character and reputation and a proper person to be licensed, he shall issue to the applicant a retail handgun dealer's license which shall be valid for a period of two (2) years from the date of issue. The fee for the license shall be twenty dollars (\$20), which shall be deposited with the officer to whom the application is made, who shall in turn forward it to the superintendent for deposit with the treasurer of state when the application is approved by the superintendent. In the event that the application is disapproved by the superintendent, the fee shall be returned to the applicant along with the complete reasons, in writing, for the disapproval.

(c) No retail dealer's license shall be issued to any person who has been:

- (1) convicted of a felony; or
- (2) adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person applying for the retail dealer's license is less than twenty-three (23) years of age; in Indiana or any other state or country.

(d) A retail dealer's license shall permit the licensee to sell handguns at retail within this state subject to the conditions specified in this chapter. The license may be suspended or revoked in accordance with applicable law, and the licensee may be subject to punishment as provided in this chapter.

[As added by P.L.311-1983, SEC.32. Amended by P.L.191-1984, SEC.4; P.L.269-1995, SEC.9.]

IC 35-47-2-16 Retail handgun dealer's license; restrictions; display; prohibited sales; gun show

Sec. 16. (a) A retail dealer's business shall be carried on only in the site designated in the license. A separate license shall be required for each separate retail outlet. Whenever a licensed dealer moves his place of business, he shall promptly notify the superintendent, who shall at once issue an amended license certificate valid for the balance of the license period. This subsection does not apply to sales at wholesale.

(b) The license, certified by the issuing authority, shall be displayed on the business premises in a prominent place where it can be seen easily by prospective customers.

(c) No handgun shall be sold:

- (1) in violation of any provision of this chapter; or
- (2) under any circumstances unless the purchaser is personally known to the seller or presents clear evidence of his identity.

(d) Notwithstanding subsection (a), a retail dealer may display, sell, or transfer handguns at a gun show in accordance with this chapter and federal law.

[As added by P.L.311-1983, SEC.32. Amended by P.L.191-1984, SEC.5; P.L.148-1987, SEC.5.]

IC 35-47-2-17 Giving false information or offering false evidence of identity; violation of section

Sec. 17. No person, in purchasing or otherwise securing delivery of a handgun or in applying for a license to carry a handgun, shall give false information or offer false evidence of identity. In addition to any penalty provided by this chapter, any handgun obtained through false information shall be subject to confiscation and disposition as provided in this chapter. Upon notice of a violation of this section by the superintendent, it shall be the duty of the sheriff or chief of police or corresponding officer of the jurisdiction in which the purchaser resides to confiscate the firearm and retain it as evidence pending trial for the offense.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-2-18 Obliterating identification marks on handgun or possession of such handguns prohibited

Sec. 18. No person shall:

- (1) change, alter, remove, or obliterate the name of the maker, model, manufacturer's serial number, or other mark of identification on any handgun; or
- (2) possess any handgun on which the name of the maker, model, manufacturer's serial number, or other mark of identification has been changed, altered, removed, or obliterated; except as provided by applicable United States statute.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-2-19 Application of chapter

Sec. 19. This chapter does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made before January 1, 1899.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-2-20 Removal of disability

Sec. 20. (a) A full pardon from the governor of Indiana for:

- (1) a felony other than a felony that is included in IC 35-42; or
 - (2) a violation of this chapter;
- removes any disability under this chapter imposed because of that offense, if fifteen (15) years have elapsed between the time of the offense and the application for a license under this chapter.

(b) A conditional pardon described in IC 11-9-2-4 for:

- (1) a felony; or
 - (2) a violation of this chapter;
- removes a disability under this chapter if the superintendent determines after an investigation that circumstances have changed since the pardoned conviction was entered to such an extent that the pardoned person is likely to handle handguns in compliance with the law.

[As added by P.L.311-1983, SEC.32. Amended by P.L.191-1984, SEC.6; P.L.148-1987, SEC.6.]

IC 35-47-2-21 Recognition of retail dealer's licenses and licenses to carry handguns issued by other states

Sec. 21. (a) Retail dealers' licenses issued by other states or foreign countries will not be recognized in Indiana except for sales at wholesale.

(b) Licenses to carry handguns, issued by other states or foreign countries, will be recognized according to the terms thereof but only while the holders are not residents of Indiana.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-2-22 Use of unlawful handgun-carrying license to obtain handgun prohibited

Sec. 22. It is unlawful for any person to use, or to attempt to use, a false, counterfeit, spurious, or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-2-23 Violations; classes of misdemeanors and felonies

Sec. 23. (a) A person who violates section 3, 4, 5, 14, 15, or 16 of this chapter commits a Class B misdemeanor.

(b) A person who violates section 7, 17, or 18 of this chapter commits a Class C felony.

(c) A person who violates section 1 of this chapter commits a Class A misdemeanor. However, the offense is a Class C felony:

(1) if the offense is committed:

(A) on or in school property;

(B) within one thousand (1,000) feet of school property; or

(C) on a school bus; or

(2) if the person:

(A) has a prior conviction of any offense under:

(i) this subsection; or

(ii) subsection (d); or

(B) has been convicted of a felony within fifteen (15) years before the date of the offense.

(d) A person who violates section 22 of this chapter commits a Class A misdemeanor.

However, the offense is a Class D felony if the person has a prior conviction of any offense under this subsection or subsection (c), or if the person has been convicted of a felony within fifteen (15) years before the date of the offense.

[As added by P.L.311-1983, SEC.32. Amended by P.L.16-1984, SEC.20; P.L.140-1994, SEC.9; P.L.17-1997, SEC.7.]

IC 35-47-2-24 Indictment or information; defendant's burden to prove exemption or license; arrest; effect of production of valid license, or establishment of exemption

Sec. 24. (a) In an information or indictment brought for the enforcement of any provision of this chapter, it is not necessary to negate any exemption specified under this chapter, or to allege the absence of a license required under this chapter. The burden of proof is on the defendant to prove that he is exempt under section 2 of this chapter, or that he has a license as required under this chapter.

(b) Whenever a person who has been arrested or charged with a violation of section 1 of this chapter presents a valid license to the prosecuting attorney or establishes that he is exempt under section 2 of this chapter, any prosecution for a violation of section 1 of this chapter shall be dismissed immediately, and all records of an arrest or proceedings following arrest shall be destroyed immediately.

[As added by P.L.311-1983, SEC.32.]

Chapter 2.5. Sale of Handguns

| | |
|--------------|---|
| 35-47-2.5-1 | Applicability of chapter |
| 35-47-2.5-2 | "Dealer" defined |
| 35-47-2.5-3 | Criminal history information; consent form |
| 35-47-2.5-4 | Dealer requirements prior to sale, rent, trade, or transfer |
| 35-47-2.5-5 | Documentation of personal identification and residence |
| 35-47-2.5-6 | Criminal history check; duties of state police department |
| 35-47-2.5-7 | Criminal history check; response time |
| 35-47-2.5-8 | Maintenance of records by state police department; log of requests |
| 35-47-2.5-9 | Erroneous criminal history information; right to access, review, and correct record |
| 35-47-2.5-10 | Criminal history check; violations in obtaining, maintaining, or disseminating criminal history information |
| 35-47-2.5-11 | Criminal history check; fees |
| 35-47-2.5-12 | Criminal history check; false statement on consent form |
| 35-47-2.5-13 | Dealer violations |
| 35-47-2.5-14 | Providing handgun to ineligible purchaser; exemptions |
| 35-47-2.5-15 | Ineligible purchaser attempting to purchase handgun; violation |

IC 35-47-2.5-1 Applicability of chapter

Sec. 1. This chapter does not apply to the following:

- (1) Transactions between persons who are licensed as firearms importers or collectors or firearms manufacturers or dealers under 18 U.S.C. 923.
- (2) Purchases by or sales to a law enforcement officer or agent of the United States, the state, or a county or local government.
- (3) Indiana residents licensed to carry handguns under IC 35-47-2-3.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-2 "Dealer" defined

Sec. 2. As used in this chapter, "dealer" includes any person licensed under 18 U.S.C. 923.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-3 Criminal history information; consent form

- Sec. 3. (a) Notwithstanding any other law, a person purchasing a handgun from a dealer shall consent in writing, on a form to be provided by the superintendent, to have the dealer obtain criminal history information.
- (b) The form shall include, in addition to the information required by section 4 of this chapter, the same information required to be included on the firearms transaction record required by

federal regulations administered by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury. However, the form may not include any information related to the handgun.

(c) The copies of the forms shall be mailed or delivered to the state police department before the last day of the month following the sale.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-4 Dealer requirements prior to sale, rent, trade, or transfer

Sec. 4. A dealer may not sell, rent, trade, or transfer from the dealer's inventory a handgun to a person until the dealer has done all of the following:

(1) Obtained from the prospective purchaser written consent to a criminal history check, as specified in section 3 of this chapter.

(2) Provided the state police department with the prospective purchaser's name, birth date, gender, race, Social Security number, and any other identification required of the prospective purchaser.

(3) Requested and received criminal history information from the state police department by means of:

(A) a telephone call; or

(B) other electronic means.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-5 Documentation of personal identification and residence

Sec. 5. (a) To establish personal identification and residence in Indiana for purposes of this chapter, a dealer must require a prospective purchaser to present one (1) photographic identification form issued by a governmental agency of the state or by the United States Department of Defense, or other documentation of residence.

(b) Except when photographic identification was issued by the United States Department of Defense, other documentation of residence must show an address identical to that shown on the photographic identification form or as amended by proper notice of change of address filed with the issuing authority. Suitable other documentation of residence includes:

(1) evidence of currently paid personal property tax or real estate tax, a current lease, utility, or telephone bill, a voter registration card, a bank check, a passport, an automobile registration, or a hunting or fishing license;

(2) other current identification allowed as evidence of residency by 27 CFR 178.124 and United States Alcohol, Tobacco, and Firearms Ruling 79-7; or

(3) other documentation of residence, determined to be acceptable by the state police department, that corroborates that the prospective purchaser currently resides in Indiana.

(c) If the photographic identification was issued by the United States Department of Defense, permanent orders may be used as documentation of residence.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-6 Criminal history check; duties of state police department

Sec. 6. Upon receipt of a request for a criminal history check under this chapter, the state police department shall:

- (1) review its criminal history information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law;
- (2) inform the dealer if the state police department's record indicates that the buyer or transferee is a prohibited buyer or transferee; and
- (3) provide the dealer with a unique reference number for the inquiry.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-7 Criminal history check; response time

Sec. 7. (a) The state police department shall provide its response to a requesting dealer under section 6 of this chapter during the dealer's call, or by return call without delay.

(b) If a criminal history check indicates that a prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the division of mental health, the state police department has until the end of the next business day of the state police department to advise the dealer that the records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law.

(c) If a dealer: (1) is not advised of a prohibition before the end of the next business day of the state police department; and

(2) has fulfilled the requirements of section 4 of this chapter; the dealer may immediately complete the sale or transfer and may not be considered in violation of this chapter with respect to the sale or transfer.

(d) In case of electronic failure or other circumstances beyond the control of the state police department, the dealer shall be advised immediately of the reason for the delay and be given an estimate of the length of the delay. However, after a notification under this subsection, the state police department shall inform the requesting dealer whether state police department records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law not later than:

(1) the end of the next business day of the state police department following correction of the problem that caused the delay; or

(2) three (3) business days of the state police department; whichever is earlier.

(e) A dealer that fulfills the requirements of section 4 of this chapter and is told by the state police department that a response will not be available under subsection (d) may immediately complete the sale or transfer and may not be considered in violation of this chapter with respect to the sale or transfer.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-8 Maintenance of records by state police department; log of requests

Sec. 8. (a) Except as otherwise provided in this section, the state police department may not maintain records in any form, including a computer data base, longer than thirty (30) days after a

dealer's request for a criminal history check concerning a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law.

(b) A log of requests made to the state police department may be maintained for not more than twelve (12) months, if the log consists only of:

- (1) the name of the purchaser;
- (2) the dealer identification number;
- (3) the unique approval number;
- (4) the transaction date; and
- (5) a record indicating that the fee collected by the dealer under section 11 of this chapter has been transferred to the state police department.

[As added by P.L.17-1997, SEC.8. Amended by P.L.68-1999, SEC.1.]

IC 35-47-2.5-9 Erroneous criminal history information; right to access, review, and correct record

Sec. 9. If a buyer or transferee is denied the right to purchase a handgun under this chapter because of erroneous criminal history information, the buyer or transferee may exercise the right of access to and review and correction of criminal history information under IC 5-2-5-8.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-10 Criminal history check; violations in obtaining, maintaining, or disseminating

Sec. 10. A person who knowingly or intentionally:

- (1) requests, obtains, or seeks to obtain under false pretenses;
 - (2) wrongfully maintains; or
 - (3) disseminates or seeks to disseminate;
- criminal history information except as authorized in this chapter commits a Class A misdemeanor.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-11 Criminal history check; fees

Sec. 11. (a) All licensed firearms dealers shall collect a fee of three dollars (\$3) for every transaction for which a criminal history check is required under this chapter. The fee must be transferred to the state police department before the last day of the month following the sale.

(b) The state police department shall deposit the fees received under this section in a special fund for use in offsetting the cost of conducting criminal history checks under this chapter.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-12 Criminal history check; false statement on consent form

Sec. 12. A person who knowingly or intentionally makes a materially false statement on the consent form required by section 3 of this chapter commits a Class D felony.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-13 Dealer violations

Sec. 13. Except as otherwise provided in this chapter, a dealer who knowingly or intentionally sells, rents, trades, or transfers a handgun in violation of this chapter commits a Class A misdemeanor.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-14 Providing handgun to ineligible purchaser; exemptions

Sec. 14. (a) This section does not apply to a person who provides a handgun to the following:

(1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.

(2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or is supervised by:

(A) a qualified firearms instructor; or

(B) an adult who is supervising the child while the child is at the range.

(3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.

(4) A child who is hunting or trapping under a valid license issued to the child under IC 14-22.

(5) A child who is traveling with an unloaded firearm to or from an activity described in this section.

(6) A child who:

(A) is on real property that is under the control of the child's

parent, an adult family member of the child, or the child's legal guardian; and

(B) has permission from the child's parent or legal guardian to possess a firearm.

(b) A person who purchases a handgun with the intent to:

(1) resell or otherwise provide the handgun to another person who the person knows or has reason to believe is ineligible for any reason to purchase or otherwise receive from a dealer a handgun; or

(2) transport the handgun out of the state to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm; commits a Class D felony.

(c) If the violation of this section involves a transfer of more than one (1) handgun, the offense is a Class C felony.

[As added by P.L.17-1997, SEC.8.]

IC 35-47-2.5-15 Ineligible purchaser attempting to purchase handgun; violation

Sec. 15. (a) A person who is ineligible to purchase or otherwise receive or possess a handgun in Indiana who knowingly or intentionally solicits, employs, or assists any person in violating section 14 of this chapter commits a Class D felony.

(b) If the violation involves a transfer of more than one (1) handgun, the offense is a Class C felony.

[As added by P.L.17-1997, SEC.8.]

Chapter 3. Disposal of Confiscated Weapons

| | |
|-----------|--|
| 35-47-3-1 | Disposal of confiscated weapons in accordance with chapter |
| 35-47-3-2 | Application of section to firearms not required to be registered in National Firearms Registration and Transfer Record; return of firearms to rightful owners; disposal procedure |
| 35-47-3-3 | Application of section to firearms required to be registered in National Firearms Registration and Transfer Record; return of firearms to rightful owners; unreturnable firearms; registry of firearms; disposal |
| 35-47-3-4 | Unlawful delivery of confiscated firearm |

IC 35-47-3-1 Disposal of confiscated weapons in accordance with chapter

Sec. 1. All firearms confiscated pursuant to statute shall, upon conviction of the person for the offense for which the confiscation was made, be disposed of in accordance with this chapter.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-3-2 Application of section to firearms not required to be registered in National Firearms Registration and Transfer Record; return of firearms to rightful owners; disposal procedure

Sec. 2. (a) This section applies only to firearms which are not required to be registered in the National Firearms Registration and Transfer Record.

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause if a return has not already occurred under the terms of IC 35-33-5. If the rightful ownership is not known the law enforcement agency holding the firearm shall make a reasonable attempt to ascertain the rightful ownership and cause the return of the firearm. However, nothing in this chapter shall be construed as requiring the return of firearms to rightful owners who have been convicted for the misuse of firearms. In such cases, the court may provide for the return of the firearm in question or order that the firearm be at once delivered:

(1) except as provided in subdivision (2), to the sheriff's department of the county in which the offense occurred; or

(2) to the city or town police force that confiscated the firearm, if:

(A) a member of the city or town police force confiscated the firearm; and

(B) the city or town has a population of more than two thousand five hundred (2,500) and less than two hundred fifty thousand (250,000).

(c) The receiving law enforcement agency shall dispose of firearms under subsection (b), at the discretion of the law enforcement agency, not more than one hundred twenty (120) days following receipt by use of any of the following procedures:

(1) Public sale of the firearms to the general public as follows:

(A) Notice of the sale shall be:

(i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and

(ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days prior to the sale.

(B) Disposition of the firearm shall be by public auction in a place convenient to the general public, with disposition going to the highest bidder. However, no firearm shall be transferred to any bidder if that bidder is not lawfully eligible to receive and possess firearms according to the laws of the United States and Indiana.

(C) All handguns transferred under this subdivision shall also be transferred according to the transfer procedures set forth in this article.

(D) Money collected pursuant to the sales shall first be used to defray the necessary costs of administering this subdivision with any surplus to be:

(i) deposited into the receiving law enforcement agency's firearms training fund, if the law enforcement agency is a county law enforcement agency, or into a continuing education fund established under IC 5-2-8-2, if the law enforcement agency is a city or town law enforcement agency; and

(ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties, if the law enforcement agency is a county law enforcement agency, or for law enforcement purposes, if the law enforcement agency is a city or town law enforcement agency.

(2) Sale of the firearms to a licensed firearms dealer as follows:

(A) Notice of the sale must be:

(i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and

(ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days before the sale.

(B) Disposition of the firearm shall be by auction with disposition going to the highest bidder who is a licensed firearms dealer.

(C) Money collected from the sales shall first be used to defray the necessary costs of administering this subdivision and any surplus shall be:

(i) deposited into the receiving law enforcement agency's firearms training fund or other appropriate training activities fund; and

(ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties.

(3) Sale or transfer of the firearms to another law enforcement agency.

(4) Release to the state police department laboratory or other forensic laboratory administered by the state or a political subdivision (as defined in IC 36-1-2-13) for the purposes of research, training, and comparison in conjunction with the forensic examination of firearms evidence.

(5) Destruction of the firearms.

(d) Notwithstanding the requirement of this section mandating disposal of firearms not more than one hundred twenty (120) days following receipt, the receiving law enforcement agency may at its discretion hold firearms it may receive until a sufficient number has accumulated to defray the costs of administering this section if a delay does not exceed one hundred eighty (180) days from the date of receipt of the first firearm in the sale lot. In any event, all confiscated firearms shall be disposed of as promptly as possible.

(e) When a firearm is delivered to the state police department laboratory or other forensic laboratory under subsection (c)(4) and the state police department laboratory or other forensic laboratory determines the laboratory has no further need for the firearm in question, the laboratory shall return the firearm to the law enforcement agency for disposal under subsection (c).

[As added by P.L.311-1983, SEC.32. Amended by P.L.209-1986, SEC.2; P.L.57-1992, SEC.7; P.L.48-1993, SEC.7.]

IC 35-47-3-3 Application of section to firearms required to be registered in National Firearms Registration and Transfer Record; return of firearms to rightful owners; unreturnable firearms; registry of firearms; disposal

Sec. 3. (a) This section applies to firearms that are required to be registered in the National Firearms Registration and Transfer Record.

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause, if such return has not already occurred under the terms of IC 35-33-5, and if such owner remains lawfully entitled to possess such firearms according to applicable United States and Indiana statutes. If rightful ownership is not known, the law enforcement agency holding the firearm shall make a reasonable and diligent effort to ascertain the rightful ownership and cause the return of the firearm being held, providing the owner remains lawfully entitled to possess such firearms.

(c) Firearms that are not returnable under this section shall be at once delivered to:

(1) the sheriff's department of the county in which the offense occurred, unless subdivision (2) applies; or

(2) the city or town police force that confiscated the firearm if:

(A) a member of the city or town police force confiscated the firearm; and

(B) the city or town has a population of more than two thousand five hundred (2,500) and less than two hundred fifty thousand (250,000); following final disposition of the cause.

(d) When firearms are sent to a law enforcement agency under subsection (c), the law enforcement agency may upon request release the firearms to the state police department laboratory or other forensic laboratory administered by the state or a political subdivision (as defined in IC 36-1-2-13) for the purposes of research, training, and comparison in conjunction with the forensic examination of firearms evidence.

(e) The receiving law enforcement agency or laboratory shall cause the registry of such firearms in the United States National Firearms Registration and Transfer Record within thirty (30) days following receipt from the court.

(f) The court may order such firearms as are not returnable

destroyed, specifying the exact manner of destruction and requiring the receiving law enforcement agency or laboratory to make due return to the ordering court the time, date, method of destruction, and disposition of the remains of the destroyed firearm.

(g) No portion of this section shall be construed as requiring the receiving law enforcement agency or laboratory to retain firearms which are inoperable or unserviceable, or which the receiving law enforcement agency or laboratory may choose to transfer as public property in the ordinary course of lawful commerce and exchange.

[As added by P.L.311-1983, SEC.32. Amended by P.L.209-1986, SEC.3; P.L.57-1992, SEC.8.]

IC 35-47-3-4 Unlawful delivery of confiscated firearm

Sec. 4. A person who knowingly or intentionally:

(1) delivers a confiscated firearm to a person convicted of a felony:

(A) involving use of a firearm; and

(B) which is the basis of the confiscation;

(2) delivers a confiscated firearm to another with knowledge that there is a rightful owner to whom the firearm must be returned; or

(3) fails to deliver a confiscated firearm to the sheriff's department, a city or town police force, the state police department laboratory or a forensic laboratory under this chapter, the state under IC 14-22-39-6, or for disposition after a determination that the rightful owner of the firearm cannot be ascertained or is no longer entitled to possess the confiscated firearm; commits a Class D felony.

[As added by P.L.311-1983, SEC.32. Amended by P.L.209-1986, SEC.4; P.L.57-1992, SEC.9; P.L.1-1995, SEC.77]

Chapter 4. Miscellaneous Provisions

| | |
|-----------|---|
| 35-47-4-1 | Delivery of deadly weapon to intoxicated person |
| 35-47-4-2 | Loans secured by handguns |
| 35-47-4-3 | Pointing firearm at another person |
| 35-47-4-5 | Unlawful possession of firearm by serious violent felon |
| 35-47-4-6 | Unlawful possession of a firearm by a domestic batterer |

IC 35-47-4-1 Delivery of deadly weapon to intoxicated person

Sec. 1. A person who sells, barter, gives, or delivers any deadly weapon to any person at the time in a state of intoxication, knowing him to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him to be a person who is in the habit of becoming intoxicated, commits a Class B misdemeanor.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-4-2 Loans secured by handguns

Sec. 2. A person who makes a loan secured by a:

(1) mortgage;

(2) deposit; or

(3) pledge;

of a handgun commits a Class B misdemeanor.
[As added by P.L.311-1983, SEC.32.]

IC 35-47-4-3 Pointing firearm at another person

Sec. 3. (a) This section does not apply to a law enforcement officer who is acting within the scope of the law enforcement officer's official duties or to a person who is justified in using reasonable force against another person under:

- (1) IC 35-41-3-2; or
- (2) IC 35-41-3-3.

(b) A person who knowingly or intentionally points a firearm at another person commits a Class D felony. However, the offense is a Class A misdemeanor if the firearm was not loaded.

[As added by P.L.296-1995, SEC.2.]

IC 35-47-4-5 Unlawful possession of firearm by serious violent felon

Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

- (1) committing a serious violent felony in:
 - (A) Indiana; or
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or
- (2) attempting to commit or conspiring to commit a serious violent felony in:
 - (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
- (4) battery as a:
 - (A) Class A felony (IC 35-42-2-1(a)(5));
 - (B)) Class B felony (IC 35-42-2-1(a)(4)); or
 - (C) Class C felony (IC 35-42-2-1(a)(3));
- (5) aggravated battery (IC 35-42-2-1.5);
- (6) kidnapping (IC 35-42-3-2);
- (7) criminal confinement (IC 35-42-3-3);
- (8) rape (IC 35-42-4-1);
- (9) criminal deviate conduct (IC 35-42-4-2);
- (10) child molesting (IC 35-42-4-3);
- (11) sexual battery as a Class C felony (IC 35-42-4-8);
- (12) robbery (IC 35-42-5-1);
- (13) carjacking (IC 35-42-5-2);
- (14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));
- (15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);

- (16) assisting a criminal as a Class C felony (IC 35-44-3-2);
- (17) resisting law enforcement as a Class B felony or Class C felony (IC 35-44-3-3);
- (18) escape as a Class B felony or Class C felony (IC 35-44-3-5);
- (19) trafficking with an inmate as a Class C felony (IC 35-44-3-9);
- (20) criminal gang intimidation (IC 35-45-9-4);
- (21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);
- (22) incest (IC 35-46-1-3);
- (23) dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1);
- (24) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- (25) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
- (26) dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony.

[As added by P.L.247-1999, SEC.1. Amended by P.L.14-2000, SEC.76; P.L.17-2001, SEC.17; P.L.222-2001, SEC.5.]

IC 35-47-4-6 Unlawful possession of a firearm by a domestic batterer

Sec. 6. (a) A person who has been convicted of domestic battery under IC 35-42-2-1.3 and who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a domestic batterer, a Class A misdemeanor.

(b) It is a defense to a prosecution under this section that the person's right to possess a firearm has been restored under IC 3-7-13-5 or IC 33-4-5-7. *[As added by P.L.195-2003, SEC.7.]*

Chapter 4.5. Regulation of Laser Pointers

| | |
|-------------|--|
| 35-47-4.5-1 | Exceptions |
| 35-47-4.5-2 | "Laser pointer" defined |
| 35-47-4.5-3 | "Public safety officer" defined |
| 35-47-4.5-4 | Directing laser pointer at public safety officer |

IC 35-47-4.5-1 Exceptions

Sec. 1. This chapter does not apply to the use of a laser pointer:

- (1) for educational purposes by individuals engaged in an organized meeting or training class; or
- (2) during the normal course of work or trade activities.

[As added by P.L.70-2000, SEC.1.]

IC 35-47-4.5-2 "Laser pointer" defined

Sec. 2. As used in this chapter, "laser pointer" means a device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

[As added by P.L.70-2000, SEC.1.]

IC 35-47-4.5-3 "Public safety officer" defined

Sec. 3. As used in this chapter, "public safety officer" means:

- (1) a state police officer;
- (2) a county sheriff;
- (3) a county police officer;
- (4) a correctional officer;
- (5) an excise police officer;
- (6) a county police reserve officer;
- (7) a city police officer;
- (8) reserve officer;
- (9) a conservation enforcement officer;
- (10) a town marshal;
- (11) a deputy town marshal;
- (12) a state university police officer appointed under IC 20-12-3.5;
- (13) a probation officer;
- (14) a firefighter (as defined in IC 9-18-34-1);
- (15) an emergency medical technician; or
- (16) a paramedic.

[As added by P.L.70-2000, SEC.1.]

IC 35-47-4.5-4 Directing laser pointer at public safety officer

Sec. 4. A person who knowingly or intentionally directs light amplified by the stimulated emission of radiation that is visible to the human eye or any other electromagnetic radiation from a laser pointer at a public safety officer without the consent of the public safety officer commits a Class B misdemeanor.

[As added by P.L.70-2000, SEC.1.]

Chapter 5. Prohibited Instruments of Violence

| | |
|--------------------|---|
| <i>35-47-5-1</i> | <i>Repealed</i> |
| <i>35-47-5-2</i> | Knife with blade that opens automatically or may be propelled |
| <i>35-47-5-4.1</i> | Sawed-off shotgun |
| <i>35-47-5-5</i> | Application of chapter |
| <i>35-47-5-6</i> | Purchasing or obtaining a rifle or shotgun |
| <i>35-47-5-8</i> | Machine gun |
| <i>35-47-5-9</i> | Operating loaded machine gun |
| <i>35-47-5-10</i> | Applicability of statutes relating to machine gun |
| <i>35-47-5-11</i> | "Armor-piercing handgun ammunition" defined; related offenses |
| <i>35-47-5-12</i> | "Chinese throwing star" defined; related offenses |
| <i>35-47-5-13</i> | Unlawful use of body armor |

IC 35-47-5-1 Repealed

(Repealed by P.L.123-2002, SEC.51.)

IC 35-47-5-2 Knife with blade that opens automatically or may be propelled

Sec. 2. It is a Class B misdemeanor for a person to manufacture, possess, display, offer, sell, lend, give away, or purchase any knife with a blade that:

- (1) opens automatically; or
- (2) may be propelled;

by hand pressure applied to a button, device containing gas, spring, or other device in the handle of the knife.

[As added by P.L.311-1983, SEC.32. Amended by P.L.70-2000, SEC.2.]

IC 35-47-5-4.1 Sawed-off shotgun

Sec. 4.1. (a) A person who:

- (1) manufactures;
- (2) causes to be manufactured;
- (3) imports into Indiana;
- (4) keeps for sale;
- (5) offers or exposes for sale; or
- (6) gives, lends, or possesses;

any sawed-off shotgun commits dealing in a sawed-off shotgun, a Class D felony.

(b) The presence of a weapon referred to in subsection (a) in a motor vehicle (as defined under IC 9-13-2-105(a)) except for school buses and a vehicle operated in the transportation of passengers by a common carrier (as defined in IC 8-2.1-17-4) creates an inference that the weapon is in the possession of the persons occupying the motor vehicle. However, the inference does not apply to all the persons occupying the motor vehicle if the weapon is found upon, or under the control of, one (1) of the occupants. In addition, the inference does not apply to a duly licensed driver of a motor vehicle for hire who finds the weapon in the licensed driver's motor vehicle in the proper pursuit of the licensed driver's trade.

(c) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells a sawed-off shotgun to a law enforcement agency.

[As added by P.L.1-1990, SEC.351. Amended by P.L.2-1991, SEC.107.]

IC 35-47-5-5 Application of chapter

Sec. 5. This chapter does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made before January 1, 1899.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-5-6 Purchasing or obtaining a rifle or shotgun

Sec. 6. (a) Any resident of Indiana:

- (1) who is eighteen (18) years of age or older; and
 - (2) who is not prohibited by law from obtaining, possessing, or using a firearm;
- may purchase or obtain a rifle or shotgun in Ohio, Kentucky, Michigan, or Illinois.

(b) Any resident of Ohio, Kentucky, Michigan, or Illinois:

- (1) who is eighteen (18) years of age or older; and
 - (2) who is not prohibited by the laws of Indiana, his domicile, or the United States from obtaining, possessing, or using a firearm;
- may purchase or obtain a rifle, shotgun, or ammunition for a rifle or a shotgun in Indiana.

(c) Any transaction under this section is subject to the provisions of the Gun Control Act of 1968 (82 Stat. 1213, 18 U.S.C. 0.922(B)(3)).

[As added by P.L.311-1983, SEC.32.]

IC 35-47-5-8 Machine gun

Sec. 8. A person who owns or possesses a machine gun commits a Class C felony.
[As added by P.L.311-1983, SEC.32. Amended by P.L.104-2000, SEC.3; P.L.123-2002, SEC.43.]

IC 35-47-5-9 Operating loaded machine gun

Sec. 9. A person who operates a loaded machine gun commits a Class B felony.
[As added by P.L.311-1983, SEC.32. Amended by P.L.104-2000, SEC.4; P.L.123-2002, SEC.44.]

IC 35-47-5-10 Applicability of statutes relating to machine guns

Sec. 10. The provisions of section 8 or 9 of this chapter shall not be construed to apply to any of the following:

- (1) Members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing.
 - (2) Machine guns kept for display as relics and which are rendered harmless and not usable.
 - (3) Any of the law enforcement officers of this state or the United States while acting in the furtherance of their duties.
 - (4) Persons lawfully engaged in the display, testing, or use of fireworks.
 - (5) Agencies of state government.
 - (6) Persons permitted by law to engage in the business of manufacturing, assembling, conducting research on, or testing machine guns, airplanes, tanks, armored vehicles, or ordnance equipment or supplies while acting within the scope of such business.
 - (7) Persons possessing, or having applied to possess, machine guns under applicable United States statutes. Such machine guns must be transferred as provided in this article.
 - (8) Persons lawfully engaged in the manufacture, transportation, distribution, use or possession of any material, substance, or device for the sole purpose of industrial, agricultural, mining, construction, educational, or any other lawful use.
- [As added by P.L.311-1983, SEC.32. Amended by P.L.104-2000, SEC.5; P.L.123-2002, SEC.45.]*

IC 35-47-5-11 "Armor-piercing handgun ammunition" defined; related offenses

Sec. 11. (a) As used in this section, "armor-piercing handgun ammunition" means a cartridge that:

- (1) can be fired in a handgun; and
 - (2) will, upon firing, expel a projectile that has a metal core and an outer coating of plastic.
- (b) A person who knowingly or intentionally:
- (1) manufactures;
 - (2) possesses;
 - (3) transfers possession of; or
 - (4) offers to transfer possession of;
- armor-piercing handgun ammunition commits a Class C felony.
- (c) This section does not apply to nylon coated ammunition, plastic shot capsules, or ammunition designed to be used in rifles or shotguns.
- (d) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells armor-piercing handgun ammunition to a law enforcement agency.

[As added by P.L.332-1983, SEC.1. Amended by P.L.327-1987, SEC.2.]

IC 35-47-5-12 “Chinese throwing star” defined; related offenses

Sec. 12. (a) A person who:

- (1) manufactures;
- (2) causes to be manufactured;
- (3) imports into Indiana;
- (4) keeps for sale;
- (5) offers or exposes for sale; or
- (6) gives, lends, or possesses;

a Chinese throwing star commits a Class C misdemeanor.

(b) As used in this section, "Chinese throwing star" means a throwing-knife, throwing-iron, or other knife-like weapon with blades set at different angles.

[As added by P.L.318-1985, SEC.2.]

IC 35-47-5-13 Unlawful use of body armor

Sec. 13. (a) As used in this section, "body armor" means bullet resistant metal or other material worn by a person to provide protection from weapons or bodily injury.

(b) A person who knowingly or intentionally uses body armor while committing a felony commits unlawful use of body armor, a Class D felony.

[As added by P.L.227-1996, SEC.1.]

Chapter 6. Weapons on Aircraft

| | |
|-------------|---|
| 35-47-6-0.5 | Applicability of chapter |
| 35-47-6-1 | Firearm, explosive, or deadly weapon; possession in commercial or chartered aircraft |
| 35-47-6-1.3 | Firearm, explosive, or deadly weapon; possession in controlled access areas of an airport |
| 35-47-6-1.4 | Unlawful entry to restricted area of airport |
| 35-47-6-1.6 | Disrupting operation of aircraft; Class B felony |
| 35-47-6-3 | Consent to search of person or personal belongings |
| 35-47-6-4 | Action against airline company for denial of person refusing search to board aircraft |

IC 35-47-6-0.5 Applicability of chapter

Sec. 0.5. (a) Except as provided in subsection (b), this chapter does not apply to an official or employee:

(1) of:

- (A) the United States;
- (B) a state or political subdivision of a state;
- (C) an operator (as defined in IC 5-23-2-8); or
- (D) any other entity that has been granted statutory authority to enforce the penal laws of Indiana;

(2) who has been granted the power to effect arrests under Indiana law; and

(3) who has been authorized by the official's or employee's agency or employer to carry firearms.

(b) An individual described in subsection (a) is subject to the

applicable regulations of the United States concerning the possession and carriage of firearms on aircraft or in areas of an airport to which access is controlled by the inspection of persons and property.

[As added by P.L.84-1996, SEC.2. Amended by P.L.49-1997, SEC.67.]

IC 35-47-6-1 Firearm, explosive, or deadly weapon; possession in commercial or chartered aircraft

Sec. 1. A person who boards a commercial or charter aircraft having in his possession:

- (1) a firearm;
 - (2) an explosive; or
 - (3) any other deadly weapon;
- commits a Class C felony.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-6-1.3 Firearm, explosive, or deadly weapon; possession in controlled access areas of an airport

Sec. 1.3. A person who knowingly or intentionally enters an area of an airport to which access is controlled by the inspection of persons and property while the person:

- (1) possesses:
 - (A) a firearm;
 - (B) an explosive; or
 - (C) any other deadly weapon; or
 - (2) has access to property that contains:
 - (A) a firearm;
 - (B) an explosive; or
 - (C) any other deadly weapon;
- commits a Class A misdemeanor.

[As added by P.L.84-1996, SEC.3.]

IC 35-47-6-1.4 Unlawful entry to restricted area of airport

Sec. 1.4. (a) This section does not apply to a person who is:

- (1) employed by:
 - (A) an airport;
 - (B) an airline; or
 - (C) a law enforcement agency; and
- (2) acting lawfully within the scope of the person's employment.

(b) A person who knowingly or intentionally enters an area of an airport to which access is controlled by the inspection of persons or property without submitting to the inspection commits a Class A misdemeanor.

[As added by P.L.59-2002, SEC.3.]

IC 35-47-6-1.6 Disrupting operation of aircraft; Class B felony

Sec. 1.6. (a) A person who knowingly or intentionally uses force or violence or the threat of force or violence to disrupt the operation of an aircraft commits a Class B felony.

(b) A person who knowingly or intentionally uses force or violence or the threat of force or violence to hijack an aircraft in flight commits a Class A felony.

(c) For purposes of this section, an aircraft is considered to be in flight while the aircraft is:

(1) on the ground in Indiana:

(A) after the doors of the aircraft are closed for takeoff; and

(B) until the aircraft takes off;

(2) in the airspace above Indiana; or

(3) on the ground in Indiana:

(A) after the aircraft lands; and

(B) before the doors of the aircraft are opened after landing.

[As added by P.L.59-2002, SEC.4.]

IC 35-47-6-3 Consent to search of person or personal belongings

Sec. 3. Any person purchasing a ticket to board any commercial or charter aircraft shall by such purchase consent to a search of his person or personal belongings by the company selling said ticket to him. In case said person shall refuse to submit to a search of his person or personal belongings by said aircraft company, the person refusing may be denied the right to board said commercial or charter aircraft.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-6-4 Action against airline company for denial of person refusing search to board aircraft

Sec. 4. No action, either at law or equity, shall be brought against any commercial or charter airline company operating in Indiana for the refusal of said company to permit a person to board said aircraft where said person has refused to be searched as set out in section 3 of this chapter.

[As added by P.L.311-1983, SEC.32.]

Chapter 7. Reporting of Wounds Inflicted by Weapons and Burn Injuries

| | |
|-----------|-----------------------------------|
| 35-47-7-1 | Persons required to report wounds |
| 35-47-7-2 | Application of chapter |
| 35-47-7-3 | Burn injury reporting |
| 35-47-7-4 | Dog bite injury reporting |

IC 35-47-7-1 Persons required to report wounds

Sec. 1. Every case of a bullet wound, gunshot wound, powder burn, or any other injury arising from or caused by the discharge of a firearm, and every case of a wound which is likely to or may result in death and is actually or apparently inflicted by a knife, ice pick, or other sharp or pointed instrument, shall be reported at once to the law enforcement authorities of the county, city, or town in which the person reporting is located by either the physician attending or treating the case, or by the manager, superintendent, or other person in charge if the case is treated in a hospital, clinic, sanitarium, or other facility or institution. A person who violates this section commits a Class A misdemeanor.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-7-2 Application of chapter

Sec. 2. The provisions of this chapter shall not apply to a wound or other injury received by a member of the armed forces of the United States or the state while engaged in the actual performance of duty.

[As added by P.L.311-1983, SEC.32.]

IC 35-47-7-3 Burn injury reporting

Sec. 3. (a) As used in this section, "burn" includes chemical burns, flash burns, and thermal burns.

(b) If a person is treated for:

(1) a second or third degree burn to ten percent (10%) or more of the body;

(2) any burn to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air; or

(3) a burn that results in serious bodily injury; the physician treating the person, or the hospital administrator or the hospital administrator's designee of the hospital or ambulatory outpatient surgical center (if the person is treated in a hospital or outpatient surgical center), shall report the case to the state fire marshal within seventy-two (72) hours. This report may be made orally or in writing and shall be considered confidential information.

(c) If a person is treated for a second or third degree burn to less than ten percent (10%) of the body, the attending physician may report the case to the state fire marshal under subsection (b).

(d) The state fire marshal shall ascertain the following when a report is made under this chapter:

(1) Victim's name, address, and date of birth.

(2) Address where burn injury occurred.

(3) Date and time of injury.

(4) Degree of burns and percent of body burned.

(5) Area of body burned.

(6) Injury severity.

(7) Apparent cause of burn injury.

(8) Name and address of reporting facility.

(9) Attending physician.

[As added by P.L.328-1987, SEC.1.]

IC 35-47-7-4 Dog bite injury reporting

Sec. 4. The:

(1) physician who treats a person for a dog bite or an apparent dog bite; or

(2) administrator or the administrator's designee of the hospital or outpatient surgical center if a person is treated in a hospital or an outpatient surgical center for a dog bite or an apparent dog bite; shall report the case to the Indiana state department of health not more than seventy-two (72) hours after the time the person is treated. The report may be made orally or in writing.

[As added by P.L.176-1993, SEC.7.]

Chapter 8. Regulation of Electronic Stun Weapons, Tasers, and

Stun Guns

| | |
|-----------|---|
| 35-47-8-1 | "Electronic stun weapon" defined |
| 35-47-8-2 | "Stun gun" defined |
| 35-47-8-3 | "Taser" defined |
| 35-47-8-4 | Applicability of handgun provisions |
| 35-47-8-5 | Stun guns; purchase, possession, and sale; use in commission of crime; use on law enforcement officer |

IC 35-47-8-1 "Electronic stun weapon" defined

Sec. 1. As used in this chapter, "electronic stun weapon" means any mechanism that is:

- (1) designed to emit an electronic, magnetic, or other type of charge that exceeds the equivalency of a five (5) milliamp sixty (60) hertz shock; and
- (2) used for the purpose of temporarily incapacitating a person.

[As added by P.L.318-1985, SEC.3.]

IC 35-47-8-2 "Stun gun" defined

Sec. 2. As used in this chapter, "stun gun" means any mechanism that is:

- (1) designed to emit an electronic, magnetic, or other type of charge that equals or does not exceed the equivalency of a five (5) milliamp sixty (60) hertz shock; and
- (2) used for the purpose of temporarily incapacitating a person.

[As added by P.L.318-1985, SEC.3.]

IC 35-47-8-3 "Taser" defined

Sec. 3. As used in this chapter, "taser" means any mechanism that is:

- (1) designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile; and
- (2) used for the purpose of temporarily incapacitating a person.

[As added by P.L.318-1985, SEC.3.]

IC 35-47-8-4 Applicability of handgun provisions

Sec. 4. IC 35-47-2 applies to an electronic stun weapon or taser.

[As added by P.L.318-1985, SEC.3.]

IC 35-47-8-5 Stun guns; purchase, possession, and sale; use in commission of crime; use on law enforcement officer

Sec. 5. (a) A person eighteen (18) years of age or over may purchase or possess a stun gun.

(b) A person who sells or furnishes a stun gun to a person who is less than eighteen (18) years of age commits a Class B misdemeanor.

(c) A person who uses a stun gun in the commission of a crime commits a Class A misdemeanor.

(d) A person who uses a stun gun on a law enforcement officer while the officer is performing the officer's duties commits a Class D felony.
[As added by P.L.318-1985, SEC.3.]

Chapter 9. Possession of Firearms on School Property and School Buses

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|-----------|---|
| 35-47-9-1 | Exemptions from chapter |
| 35-47-9-2 | Possession of firearms on school property, at school function, or on school bus; felony |

IC 35-47-9-1 Exemptions from chapter

Sec. 1. This chapter does not apply to the following:

(1) A:

(A) federal;

(B) state; or

(C) local;

law enforcement officer.

(2) A person who has been employed or authorized by:

(A) a school; or

(B) another person who owns or operates property being used by a school for a school function;

to act as a security guard, perform or participate in a school function, or participate in any other activity authorized by a school.

(3) A person who:

(A) may legally possess a firearm; and

(B) possesses the firearm in a motor vehicle that is being operated by the person to transport another person to or from a school or a school function.

[As added by P.L.140-1994, SEC.11.]

IC 35-47-9-2 Possession of firearms on school property, at school function, or on school bus; felony

Sec. 2. A person who possesses a firearm:

(1) in or on school property;

(2) in or on property that is being used by a school for a school function; or

(3) on a school bus;

commits a Class D felony.

[As added by P.L.140-1994, SEC.11.]

Chapter 10. Children and Handguns

| | |
|------------|-------------------------|
| 35-47-10-1 | Exemptions from chapter |
| 35-47-10-2 | "Adult" defined |
| 35-47-10-3 | "Child" defined |

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| 35-47-10-4 | "Loaded" defined |
| 35-47-10-5 | Dangerous possession of a firearm |
| 35-47-10-6 | Dangerous control of a firearm |
| 35-47-10-7 | Permitting child to possess a firearm |
| 35-47-10-8 | Term of imprisonment in addition to criminal penalty |
| 35-47-10-9 | Consecutive sentences imposed |
| 35-47-10-10 | Rehabilitation of child; placement in quasi-military program |

IC 35-47-10-1 Exemptions from chapter

Sec. 1. This chapter does not apply to the following:

- (1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.
- (2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or supervised by:
 - (A) a qualified firearms instructor; or
 - (B) an adult who is supervising the child while the child is at the range.
- (3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.
- (4) A child who is hunting or trapping under a valid license issued to the child under IC 14-22.
- (5) A child who is traveling with an unloaded firearm to or from an activity described in this section.
- (6) A child who:
 - (A) is on real property that is under the control of the child's parent, an adult family member of the child, or the child's legal guardian; and
 - (B) has permission from the child's parent or legal guardian to possess a firearm.
- (7) A child who:
 - (A) is at the child's residence; and
 - (B) has the permission of the child's parent, an adult family member of the child, or the child's legal guardian to possess a firearm.

[As added by P.L.140-1994, SEC.12. Amended by P.L.1-1995, SEC.78; P.L.203-1996, SEC.2.]

IC 35-47-10-2 "Adult" defined

Sec. 2. As used in this chapter, "adult" means a person who is at least eighteen (18) years of age.

[As added by P.L.140-1994, SEC.12.]

IC 35-47-10-3 "Child" defined

Sec. 3. As used in this chapter, "child" means a person who is less than eighteen (18) years of age.

[As added by P.L.140-1994, SEC.12.]

IC 35-47-10-4 “Loaded” defined

Sec. 4. As used in this chapter, "loaded" means having any of the following:

- (1) A cartridge in the chamber or cylinder of a firearm.
- (2) Ammunition in close proximity to a firearm so that a person can readily place the ammunition in the firearm.

[As added by P.L.140-1994, SEC.12. Amended by P.L.203-1996, SEC.3.]

IC 35-47-10-5 Dangerous possession of a firearm

Sec. 5. A child who knowingly, intentionally, or recklessly:

- (1) possesses a firearm for any purpose other than a purpose described in section 1 of this chapter; or
- (2) provides a firearm to another child with or without remuneration for any purpose other than a purpose described in section 1 of this chapter;

commits dangerous possession of a firearm, a Class A misdemeanor. However, the offense is a Class C felony if the child has a prior conviction under this section.

[As added by P.L.140-1994, SEC.12. Amended by P.L.203-1996, SEC.4.]

IC 35-47-10-6 Dangerous control of a firearm

Sec. 6. An adult who knowingly, intentionally, or recklessly provides a firearm to a child for any purpose other than those described in section 1 of this chapter, with or without remuneration, commits dangerous control of a firearm, a Class C felony. However, the offense is a Class B felony if the adult has a prior conviction under this section.

[As added by P.L.140-1994, SEC.12. Amended by P.L.203-1996, SEC.5.]

IC 35-47-10-7 Permitting child to possess a firearm

Sec. 7. A child's parent or legal guardian who knowingly, intentionally, or recklessly permits the child to possess a firearm:

- (1) while:

- (A) aware of a substantial risk that the child will use the firearm to commit a felony; and

- (B) failing to make reasonable efforts to prevent the use of a firearm by the child to commit a felony; or

- (2) when the child has been convicted of a crime of violence or has been adjudicated as a juvenile for an offense that would constitute a crime of violence if the child were an adult;

commits dangerous control of a child, a Class C felony. However, the offense is a Class B felony if the child's parent or legal guardian has a prior conviction under this section.

[As added by P.L.140-1994, SEC.12. Amended by P.L.203-1996, SEC.6.]

IC 35-47-10-8 Term of imprisonment in addition to criminal penalty

Sec. 8. (a) In addition to any criminal penalty imposed for an offense under this chapter, the court shall order the following:

- (1) That a person who has committed an offense be incarcerated for five (5) consecutive days in an appropriate facility.
 - (2) That the additional five (5) day term must be served within two (2) weeks after the date of sentencing.
 - (b) Notwithstanding IC 35-50-6, a person does not earn credit time while serving an additional five (5) day term of imprisonment imposed by a court under this section.
- [As added by P.L.140-1994, SEC.12.]*

IC 35-47-10-9 Consecutive sentences imposed

Sec. 9. A court shall impose consecutive sentences upon a person who has a conviction under this chapter and a conviction under IC 35-47-2-7.

[As added by P.L.140-1994, SEC.12.]

IC 35-47-10-10 Rehabilitation of child; placement in quasi-military program

Sec. 10. When sentencing a child who has committed an offense under this chapter, a court may elect to place the child in a facility that uses a quasi-military program for rehabilitative purposes.

[As added by P.L.140-1994, SEC.12.]

Chapter 11. Local Regulation of Firearms

| | |
|------------|--|
| 35-47-11-1 | Applicability of chapter |
| 35-47-11-2 | Regulation of firearms by units other than townships |
| 35-47-11-3 | Emergency ordinances; adoption; conditions warranting |
| 35-47-11-4 | Emergency ordinances; procedures for adoption |
| 35-47-11-5 | Emergency ordinances; effective date; expiration |
| 35-47-11-6 | Restrictions on sale of firearms during emergency; declaration by executive or presiding officer |

IC 35-47-11-1 Applicability of chapter

Sec. 1. (a) Section 2 of this chapter applies to all units (as defined in IC 36-1-2-23). All other sections of this chapter apply to all units other than townships.

(b) This chapter applies only if a statute expressly grants a legislative body the authority to adopt an emergency ordinance under this chapter.

(c) This chapter does not affect the validity of an ordinance adopted before, and in effect on, January 1, 1994.

[As added by P.L.140-1994, SEC.13.]

IC 35-47-11-2 Regulation of firearms by units other than townships

Sec. 2. Notwithstanding IC 36-1-3, a unit may not regulate in any manner the ownership, possession, sale, transfer, or transportation of firearms (as defined in IC 35-47-1-5) or ammunition except as follows:

(1) This chapter does not apply to land, buildings, or other real property owned or administered by a unit, except highways (as defined in IC 8-23-1-23) or public highways (as defined in IC 8-2.1-17-14).

(2) Notwithstanding the limitation in this section, a unit may use the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within two hundred (200) feet of a school by a person having a business that did not sell firearms within two hundred (200) feet of a school before April 1, 1994.

(3) Notwithstanding the limitation in this section, a legislative body of a unit other than a township may adopt an emergency ordinance or a unit other than a township may take other action allowed under section 6 of this chapter to regulate the sale of firearms anywhere within the unit for a period of not more than seventy-two (72) hours after the regulatory action takes effect.

[As added by P.L.140-1994, SEC.13.]

IC 35-47-11-3 Emergency ordinances; adoption; conditions warranting

Sec. 3. The legislative body of a unit may adopt an emergency ordinance under this chapter if:

(1) a disaster (as defined in IC 10-4-1-3) has occurred or is likely to occur in the unit; and

(2) a local disaster emergency has been declared in the unit under IC 10-4-1-23.

[As added by P.L.140-1994, SEC.13.]

IC 35-47-11-4 Emergency ordinances; procedures for adoption

Sec. 4. Notwithstanding any other law, if the conditions described under section 3 of this chapter are present within a unit, the legislative body of the unit may adopt an emergency ordinance under this chapter:

(1) without complying with the public notice and public meeting provisions of:

(A) IC 5-14-1.5; or (B) any other statute;

(2) on the same day that the ordinance is presented to the legislative body; and

(3) by a majority vote of the members of the legislative body.

[As added by P.L.140-1994, SEC.13.]

IC 35-47-11-5 Emergency ordinances; effective date; expiration

Sec. 5. An emergency ordinance adopted under section 4 of this chapter:

(1) takes effect on the date and at the time of the adoption of the ordinance; and

(2) expires the earlier of:

(A) seventy-two (72) hours after the time of the adoption of the ordinance; or

(B) a time specified in the emergency ordinance.

[As added by P.L.140-1994, SEC.13.]

IC 35-47-11-6 Restrictions on sale of firearms during emergency; declaration by executive or presiding officer

Sec. 6. If:

- (1) the conditions described under section 3 of this chapter are present within a unit;
- (2) an unsuccessful attempt is made to convene the legislative body for the purpose of adopting an emergency ordinance under this chapter; and
- (3) in the case of a municipality, an unsuccessful attempt is made to convene the works board to act under this chapter as if the works board were the legislative body; the executive of a municipality or the presiding officer of a county executive may declare a restriction on the sale of firearms anywhere within the unit for a period of not more than seventy-two (72) hours after the restriction is declared. A declaration under this section has the same effect as an ordinance adopted under section 4 of this chapter and becomes effective and expires as provided in section 5 of this chapter.

[As added by P.L.140-1994, SEC.13.]

Chapter 12. Weapons of Mass Destruction

| | |
|------------|------------------------|
| 35-47-12-1 | Terrorism |
| 35-47-12-2 | Agricultural terrorism |
| 35-47-12-2 | Terroristic mischief |

IC 35-47-12-1 Terrorism

Sec. 1. A person who knowingly or intentionally:

- (1) possesses;
- (2) manufactures;
- (3) places;
- (4) disseminates; or
- (5) detonates;

a weapon of mass destruction with the intent to carry out terrorism commits a Class B felony. However, the offense is a Class A felony if the conduct results in serious bodily injury or death of any person.

[As added by P.L.156-2001, SEC.13. Amended by P.L.123-2002, SEC.47.]

IC 35-47-12-2 Agricultural terrorism

Sec. 2. A person who knowingly or intentionally:

- (1) possesses;
- (2) manufactures;
- (3) places;
- (4) disseminates; or
- (5) detonates;

a weapon of mass destruction with the intent to damage, destroy, sicken, or kill crops or livestock of another person without the consent of the other person commits agricultural

terrorism, a Class C felony.

[As added by P.L.156-2001, SEC.13. Amended by P.L.123-2002, SEC.48.]

IC 35-47-12-3 Terroristic mischief

Sec. 3. A person who knowingly or intentionally places or disseminates a device or substance with the intent to cause a reasonable person to believe that the device or substance is a weapon of mass destruction (as defined in IC 35-41-1-29.4), commits terroristic mischief, a Class C felony. However, the offense is a Class B felony if, as a result of the terroristic mischief:

(1) a physician prescribes diagnostic testing or medical treatment for any person other than the person who committed the terroristic mischief; or

(2) a person suffers serious bodily injury.

[As added by P.L.123-2002, SEC.49.]

240 IAC 3-1-1. ISSUANCE; IMPROPER PERSONS; RESTRICTED LICENSES

Current with amendments received through 5/10/99

Sec. 1. ISSUANCE. (1) The Superintendent of the Indiana State Police Department will not issue a firearm license which would place a licensee in contradiction of Federal Firearm Law.

(2) A person is an improper person if:

(A) He has a history of minor criminal activity which would give rise to a reasonable belief that the applicant has a propensity for violent or emotionally unstable conduct.

(B) He is found, upon a standard of reasonable belief, not to be emotionally stable.

(C) He has been charged and convicted of any violent crime as defined by 35-23-4.1-1 [Repealed by P.L. 311-1983, SECTION 49. See, > IC 35-47-2-3 concerning criteria for accepting an application for a license.]

(D) He makes a false statement of material fact on his application.

(3) A person will have a sufficient reason for the issuance of an unlimited firearm license if he states a legal purpose for desiring such license.

(4) On the statement of a reason meeting the criteria of I (3) [subsection (3) of this section] the burden of denying a license due to improper or insufficient reason shall be upon the Superintendent.

(5) The Superintendent may issue a restricted license when the license is issued for a person's employment.

Authority: > IC 10-1-1-3

Affected: > IC 35-47-2-3; > IC 35-47-2-4

(State Police Department; Firearms Rule I; filed Dec 15, 1977: Rules and Regs. 1978, p. 808)

UNITED STATES CODE ANNOTATED
TITLE 18. CRIMES AND CRIMINAL PROCEDURE

CURRENT THROUGH P.L. 108-59, APPROVED 7/14/03

§ 922. Unlawful acts

((d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person--

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice;

(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act ([21 U.S.C. 802](#)));

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

(5) who, being an alien--

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act ([8 U.S.C. 1101](#)(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that--

(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

(B) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) has been convicted in any court of a misdemeanor crime of domestic violence.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

(g) It shall be unlawful for any person--

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act ([21 U.S.C. 802](#)));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien--

- (A) is illegally or unlawfully in the United States; or
- (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act ([8 U.S.C. 1101\(a\)\(26\)](#)));
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that--
 - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
 - (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
- (C)
 - (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
 - (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (9) who has been convicted in any court of a misdemeanor crime of domestic violence,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

UNITED STATES CODE ANNOTATED
TITLE 18. CRIMES AND CRIMINAL PROCEDURE

CURRENT THROUGH P.L. 108-59, APPROVED 7/14/03

§ 925. Exceptions: Relief from disabilities

(a) (1) The provisions of this chapter [[18 USCS §§ 921](#) et seq.], except for sections 922(d)(9) and 922(g)(9) and provisions relating to firearms subject to the prohibitions of section 922(p), shall not apply with respect to the transportation, shipment, receipt, possession, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

(2) The provisions of this chapter [[18 USCS §§ 921](#) et seq.], except for provisions relating to firearms subject to the prohibitions of section 922(p), shall not apply with respect to (A) the shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10 before the repeal of such section by section 1624(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act, and (B) the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

(3) Unless otherwise prohibited by this chapter [[18 USCS §§ 921](#) et seq.], except for provisions relating to firearms subject to the prohibitions of section 922(p), or any other Federal law, a licensed importer, licensed manufacturer, or licensed dealer may ship to a member of the United States Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members, and such members or clubs may receive a firearm or ammunition determined by the Attorney General to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club.

(4) When established to the satisfaction of the Attorney General to be consistent with the provisions of this chapter [[18 USCS §§ 921](#) et seq.], except for provisions relating to firearms subject to the prohibitions of section 922(p), and other applicable Federal and State laws and published ordinances, the Attorney General may authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty day period immediately preceding the transportation, shipment, receipt, or importation), of any firearm or ammunition which is (A) determined by the Attorney General to be generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of

firearm normally classified as a war souvenir, and (B) intended for the personal use of such member.

(5) For the purpose of paragraph (3) of this subsection, the term "United States" means each of the several States and the District of Columbia.

(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provision of this chapter [[18 USCS §§ 921](#) et seq.], continue operation pursuant to his existing license (if prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

(c) A person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Attorney General for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms, and the Attorney General may grant such relief if it is established to his satisfaction that the circumstances regarding the disability, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. Any person whose application for relief from disabilities is denied by the Attorney General may file a petition with the United States district court for the district in which he resides for a judicial review of such denial. The court may in its discretion admit additional evidence where failure to do so would result in a miscarriage of justice. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector conducting operations under this chapter [[18 USCS §§ 921](#) et seq.], who makes application for relief from the disabilities incurred under this chapter [[18 USCS §§ 921](#) et seq.], shall not be barred by such disability, from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Attorney General grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

(d) The Attorney General shall authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the firearm or ammunition--

(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10 [[10 USCS § 4301](#) et seq.];

(2) is an unserviceable firearm, other than a machinegun as defined in [section 5845\(b\) of the Internal Revenue Code](#) of 1954 [[26 USCS § 5845\(b\)](#)] (not readily restorable to firing condition), imported or brought in as a curio or museum piece;

(3) is of a type that does not fall within the definition of a firearm as defined in [section 5845\(a\) of the Internal Revenue Code](#) of 1954 [[26 USCS § 5845\(a\)](#)] and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, excluding surplus military firearms, except in any case where the Attorney General has not authorized the importation of the firearm pursuant to this paragraph, it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled; or

(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition.

The Attorney General shall permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.

(e) Notwithstanding any other provision of this title, the Attorney General shall authorize the importation of, by any licensed importer, the following:

(1) All rifles and shotguns listed as curios or relics by the Attorney General pursuant to section 921(a)(13), and

(2) All handguns, listed as curios or relics by the Attorney General pursuant to section 921(a)(13), provided that such handguns are generally recognized as particularly suitable for or readily adaptable to sporting purposes.

(f) The Attorney General shall not authorize, under subsection (d), the importation of any firearm the importation of which is prohibited by section 922(p).